

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 COA-02 EB-11 OIC-04 CIAE-00

DODE-00 PM-07 H-02 INR-10 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-12 ACDA-19 AEC-11 AGR-20 CG-00

COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01

TRSE-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 SCI-06 CEQ-02

RSR-01 /238 W

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TO SECSTATE WASHDC 207

INFO USMISSION USUN NEW YORK

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E. O. 11652: N/A

TAGS: PBOR, UN

SUBJECT: LOS: SEABED COMMITTEE MEETING: WORKING GROUP ON
SEABED MACHINERY, JULY 3 MEETING

1. FOLLOWING VERY BRIEF MEETING OF SUBCOMMITTEE I ON
AFTERNOON OF 3 JULY, WG ON SEABED MACHINERY WAS CON-
VENED AND CONSIDERED ART XXIII) A) (NATURE AND STATUS
OF THE AUTHORITY), XXIII (B) STATUS OF THE AUTHORITY),
XXIV (PRIVILEGES AND IMMUNITIES), XXV (RELATIONSHIP
WITH OTHER ORGANIZATIONS).

2. ART XXIII A (NATURE AND STATUS OF THE AUTHORITY).
THERE WAS LITTLE DISCUSSION OF THESE TEXTS, ORIGINALLY
PROPOSED BY CHINA (PARA A) AT END OF MARCH- APRIL SESSION,
AND BY FRANCE (PARA B) AS COMPROMISE. USSR DEL SAID THIS
ARTICLE RAISED QUESTION AS TO WHETHER INTERNATIONAL
AUTHORITY MUST WORK FOR BENEFIT OF NON- PARTIES TO TREATY.
HE STATED TEXT SHOULD BE PLACED IN PREAMBLE WHICH WOULD
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AVOID THIS DIFFICULTY. IN BRIEF INTERVENTION, PRC REP AGREED TO POSTPONEMENT OF DISCUSSION OF ARTICLE.

3. ART XXIII(B) (STATUS OF THE AUTHORITY). MALTA REP MADE SEVERAL PROPOSALS FOR CHANGES IN THIS TEXT. HE URGED ADOPTION OF US LANGUAGE FROM ART 33 OF US DRAFT SEABED CONVENTION TO EFFECT THAT CONTRACTING PARTIES SHALL RECOGNIZE JURIDICAL PERSONALITY OF AUTHORITY. IRAQ OBJECTED TO THIS ADDITION AS BEING UNNECESSARY AND THIS WAS SUPPORTED BY USSR AND FRANCE. USSR URGED THAT WG NOT REOPEN ART XXIII(B). INDIA URGED THAT XXIII(B) SHOULD BE DEALT WITH ONLY AFTER WG HAD COMPLETED CONSIDERATION OF QUESTION ON NATURE AND FUNCTION OF THE INTERNATIONAL AUTHORITY. WG AGREED THAT IT HAD COMPLETED FIRST READING OF BOTH VERSIONS OF ART XXIII WITH UNDERSTANDING THAT IT COULD REOPEN ISSUES LATER IN SECOND READING.

4. ART XXIV (PRIVILEGES AND IMMUNITIES). INDIAN REP ARGUED THAT PARA 3 OF ART XXIV, WHICH PROVIDES FOR SEPARATE AGREEMENTS BETWEEN AUTHORITY AND ITS MEMBERS TO DEFINE LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES, MIGHT NOT BE NECESSARY AND SHOULD BE RECONSIDERED LATER IN LIGHT OF DECISION ON STATUS OF AUTHORITY. IRAQI REP STATED THAT PARA 3 INTRODUCED ELEMENT OF CONFUSION AND WAS INCONSISTANT WITH PARAS 1 AND 2 WHICH SPECIFY PRIVILEGES AND IMMUNITIES. HE SAID HE PREFERRED A UNIFIED STATUTE RATHER THAN SEPARATE AD HOC AGREEMENTS WITH DIFFERENT STATES. FRANCE AND CAMEROONS AGREED WITH ABOVE POINT. CANADA SAID THAT AS DRAFTED, PARA 3 COULD LEAD TO CONFUSION. MALTA URGED THAT APPLICABLE ARTICLE 105 OF UN CHARTER BE ADOPTED. THIS WAS SUPPORTED BY USSR AND OPPOSED BY LEBANON. US REP SUGGESTED THAT REASON WHY NO DELS WERE SPEAKING IN FAVOR OF PARA 2 OF ARTICLE XXIV WAS THAT IT CONTAINED ALTERNATE BRACKETED LANGUAGE AND THAT NO DEL COULD SUPPORT BOTH ALTERNATIVES. WG AGREED TO WORK ON REDRAFTING OF PARAS 2 AND 3 IN SMALL WG ON JULY 4.

5. ARTICLE XXV (RELATIONS WITH OTHER ORGANIZATIONS). DISCUSSION CENTERED AROUND ISSUE OF WHETHER SEABED AUTHORITY WOULD BE A SPECIALIZED UN AGENCY OR NOT.
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IRAQ STATED THAT ARTICLE IS REDUNDANT AND POSSIBLY RESTRICTIVE AND THAT AUTHORITY WOULD HAVE THE RIGHT TO ENTER INTO AGREEMENTS WITHIN UN AND OTHER ORGANIZATIONS UNDER ANY CIRCUMSTANCE. INDIA SUGGESTED THAT TEXT SHOULD BE RETAINED FOR TIME BEING AS ARTICLE STRESSES THE CONTENT OF THE AGREEMENTS, NOT THE RIGHT TO ENTER THEM. FRANCE AGREED THAT ARTICLE SHOULD BE RETAINED

FOR TIME BEING AS THERE ARE PRECEDENTS FOR SUCH PROVISION.
MALTA REP STRONGLY ARGUED THAT ARTICLE BE DELETED, STATING
THAT AUTHORITY SHOULD NOT BE SPECIALIZED AGENCY OF UN,
BUT SHOULD BE AN INDEPENDENT INSTITUTION LINKED TO THE
UN. HE PROPOSED TEXT BE BRACKETED TO FLAG ISSUE OF
WHETHER AUTHORITY WOULD BE SPECIALIZED AGENCY OR NOT.
US REP AGREED WITH MALTESE PROPOSAL TO BRACKET TEXT
AND SUGGESTED THAT SECRETARIAT DRAFT AN EXPLANATORY FOOT-
NOTE DESCRIBING MAJOR ISSUES MENTIONED IN DEBATE. WG
AGREED TO THIS PROCEDURE. BASSIN

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